

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRICKLAYERS AND ALLIED CRAFT-
WORKERS LOCAL 2, ALBANY, NEW
YORK PENSION FUND, *by its*
Administrator Stephen J. O'Sick, et al.,

Plaintiffs,

-against-

1:06-CV-0806 (LEK/RFT)

NORTHEAST KING CONSTRUCTION,
INC., *f/k/a* NORTHEAST CONSTRUCTION
ENTERPRISES, INC.; RANDY KING,
Individually and as Officer of NORTHEAST
KING CONSTRUCTION, INC.; and KIM M.
KING, *Individually and as an Officer of*
NORTHEAST KING CONSTRUCTION, INC.,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on November 13, 2008 by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 46). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Defendants, which were filed on November 28, 2008. Objections (Dkt. No. 47).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or

recommendations made by the magistrate judge.” Id. This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 9) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Plaintiffs’ Motion for Sanctions (Dkt. No. 42) is **GRANTED in part and DENIED in part**; and it is further

ORDERED, that sanctions are imposed against Defendants **in the amount of \$4,033.86**, which shall be paid to Plaintiffs’ Counsel; and it is further

ORDERED, that Plaintiffs’ request for additional monies is **DENIED**; and it is further

ORDERED, that Plaintiffs’ request to extend the time for discovery is **DENIED as moot**; and it is further

ORDERED, that Defendants’ Answers (Dkt. Nos. 11, 17) are **STRICKEN**; and it is further

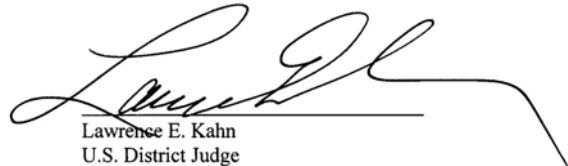
ORDERED, that Plaintiffs may move for an entry of a default judgment and Defendants shall be precluded from submitting any evidence in opposition to Plaintiffs’ motion for entry of judgment and calculation of damages; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: December 15, 2008

Albany, New York


Lawrence E. Kahn
U.S. District Judge